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MAILED

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OFFICE OF PETITIONS

In re Application of :
Awakura et al. : DECISION ON PETITION
Application No. 10/663,657 :
Filed: September 17, 2003 :
Atty Docket No. 501.43143X00 :

This is a decision on the REQUEST FOR RECONSIDERATION OF
DECISION ON PETITION filed May 20, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned effective May 17, 2007 for failure to file a response to the restriction requirement mailed April 16, 2007. A courtesy Notice of Abandonment was mailed on November 27, 2007.

By decision mailed May 13, 2009, the initial petition for withdrawal of holding of abandonment filed December 7, 2007 was dismissed. Practitioner stated that the Office action was not received at the correspondence address of record. Practitioner described the docketing system and stated that he had reviewed the computer records and the file for the above-identified application and it revealed no indication of receipt of the Office action. However, in support thereof, practitioner submitted a copy of the November 16, 2007 page of this Docket Book, "which represents the end of the six month statutory period for response." Unfortunately the relevant date based on the arguments set forth and mail date of the restriction requirement is October 16, 2007.

On instant renewed petition, practitioner restated his statements of non-receipt of the restriction requirement mailed April 16, 2007. In support thereof, practitioner submitted a copy of the master docket record for October 16, 2007.

Petitioner has now made an adequate showing of non-receipt of the Office action mailed April 16, 2007.

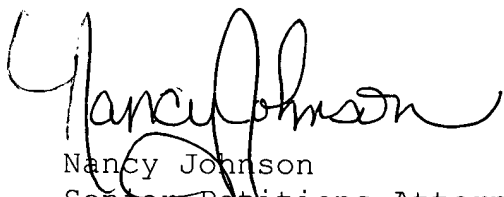
In view thereof, the holding of abandonment is hereby WITHDRAWN.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 2629 has been advised of this decision. The application is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for re-mailing of the restriction requirement mailed April 16, 2007 and for restarting of the period for reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", written in a cursive style.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions